

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STUDENT RESOURCE CENTER, LLC,)

Plaintiff,)

v.)

EASTERN GATEWAY COMMUNITY)
COLLEGE,)

Defendant.)

DEMAND FOR JURY TRIAL

Case No.

**PLAINTIFF’S MOTION FOR LEAVE TO FILE
COMPLAINT, MOTION FOR PRELIMINARY
INJUNCTION, AND EXHIBITS UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 5.2(d) and S.D. Ohio Civ. R. 5.2.1(a), Plaintiff Student Resource Center, LLC (“Plaintiff”) moves for leave to file its Complaint, its Motion for Preliminary Injunction, and their supporting exhibits under seal and in support thereof states as follows:

1. Although there is a “strong presumption in favor of openness,” a court has the power and authority to seal documents “where a party can show a compelling reason why certain documents or portions thereof should be sealed” if the seal itself is “narrowly tailored to serve that reason.” *Shane Grp., Inc. v. Blue Cross Blue Shield of MI*, 825 F.3d 299, 306 (6th Cir. 2016). Additionally, certain interests will overcome the “strong presumption” if the moving party can show “(1) a compelling interest in sealing the records, (2) that the interest in sealing outweighs the public’s interest in accessing the records; and (3) that the request is narrowly tailored.” *NorCal Tea Party Patriots v. Internal Revenue Serv.*, Case No. 1:13:cv341, 2022 WL

1316267 at *5 (S.D. Ohio May 3, 2022) (quoting *Kondash v. Kia Motors Am., Inc.*, 767 F.App'x 635, 637 (6th Cir. 2019)).

2. Plaintiff's Complaint is for breach of contract and damages resulting from, *inter alia*, Defendant's underlying conduct related to these claims. Plaintiff's claims relate to a Collaboration Agreement, effective June 30, 2017, between Plaintiff and Defendant. The Collaboration Agreement contains an express confidentiality provision in Section 12.

3. Plaintiff's Complaint, Motion for Preliminary Injunction, and their supporting exhibits contain information potentially protected under the confidentiality provision of the Collaboration Agreement.

4. Out of an abundance of caution to avoid any claim of breaching the confidentiality provision of the Collaboration Agreement, Plaintiff seeks leave to file redacted versions of its Complaint, its Motion for Preliminary Injunction, and their supporting exhibits under seal.

5. Should Defendant represent and agree that the Complaint, its Motion for Preliminary Injunction, and their supporting exhibits do not fall under the confidentiality provision of the Collaboration Agreement, then Plaintiff will withdraw this Motion and refile unredacted copies of these filings.

6. In accordance with S.D. Ohio Civ. R. 5.2.1(a), Plaintiff has prepared a redacted version of its Complaint, its Motion for Preliminary Injunction, and their supporting exhibits and will file the redacted versions within seven days of this motion being granted, or as soon as the Court orders.

WHEREFORE, Plaintiff respectfully requests the Court grant its Motion for Leave to File Complaint, Motion for Preliminary Injunction, and Exhibits Under Seal and enter an Order in the form attached hereto.

Dated: June 30, 2022

Respectfully submitted,

/s/ Robert C. Folland

C. David Paragas (0043908)

Robert C. Folland (0065728)

David M. DeVillers (0059456)

Michelle M. Nicholson (0099833)

Jeff A. Bartolozzi (0095664)

BARNES & THORNBURG LLP

41 S. High Street, Ste. 3300

Columbus, Ohio 43215-6104

Telephone: (614) 628-1401

David.Paragas@btlaw.com

*Attorneys for Plaintiff Student Resource
Center, LLC*

CERTIFICATE OF SERVICE

I certify that I am an attorney at law in the State of Ohio and a member of the Bar of this Court, and that on this date, I caused the foregoing **MOTION FOR LEAVE TO FILE UNDER SEAL** to be served upon counsel of record listed below via Fedex and electronic mail.

BRENNAN MANNA DIAMOND

Victoria Ferrise

250 Civic Center Drive, Suite 300

Columbus, Ohio 43215

Email: vlferrise@bmdllc.com

/s/ Robert C. Folland

Robert C. Folland

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PROPOSED ORDER

The Court, having considered Plaintiff Student Resource Center, LLC's Motion for Leave to File Complaint, Motion for Preliminary Injunction, and Exhibits Under Seal, and for good cause shown, it is **HEREBY ORDERED** that:

1. Plaintiff's Motion is **GRANTED**;
2. Plaintiff's Complaint, Motion for Preliminary Injunction, and its supporting exhibits may be filed Under Seal; and
3. Plaintiff **SHALL FILE** a public version of its Complaint, Motion for Preliminary Injunction, and supporting exhibits with confidential information redacted, within seven (7) days of entry of this Order.

IT IS SO ORDERED this ____ day of June, 2022.

UNITED STATES DISTRICT JUDGE